

United States Bankruptcy Court
Eastern District of TennesseeRooney, Plaintiff
Hood, Defendant

Adv. Proc. No. 18-03008-SHB

CERTIFICATE OF NOTICE

District/off: 0649-3

User: grantv
Form ID: pdfapPage 1 of 1
Total Noticed: 4

Date Rcvd: Dec 23, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 25, 2019.

pla +Abbacas Holdings, Ltd., c/o Michael S. Kelley, Kennerly, Montgomery & Finley, PC,
550 Main Street, 4th Floor, Knoxville, TN 37902-2515
pla +Arthur R Rooney, P.O. Box 5877, Sevierville, TN 37864-5877
pla +Just Tennessee, Ltd., c/o Michael S. Kelley, Kennerly, Montgomery & Finley, PC,
550 Main Street, 4th Floor, Knoxville, TN 37902-2515

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
dft +E-mail/PDF: ameboat@msn.com Dec 23 2019 21:03:25 Allen Hood, 431 Thomas Loop Rd.,
Sevierville, TN 37876-1221

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 25, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 23, 2019 at the address(es) listed below:

Barry W. Eubanks on behalf of Defendant Allen Hood barry@barryeubankslaw.com,
r47225@notify.bestcase.com
C. Dan Scott on behalf of Defendant Allen Hood dan@scottlawgroup.com, getmyecf@gmail.com
E. Richards Brabham, III on behalf of Plaintiff Arthur R Rooney rbrabham@kmfpc.com,
rmanley@kmfpc.com
E. Richards Brabham, III on behalf of Plaintiff Abbacas Holdings, Ltd. rbrabham@kmfpc.com,
rmanley@kmfpc.com
E. Richards Brabham, III on behalf of Plaintiff Just Tennessee, Ltd. rbrabham@kmfpc.com,
rmanley@kmfpc.com
Michael S. Kelley on behalf of Plaintiff Abbacas Holdings, Ltd. mkelley@kmfpc.com,
rmeisenzahl@kmfpc.com
Michael S. Kelley on behalf of Plaintiff Just Tennessee, Ltd. mkelley@kmfpc.com,
rmeisenzahl@kmfpc.com
Michael S. Kelley on behalf of Plaintiff Arthur R Rooney mkelley@kmfpc.com,
rmeisenzahl@kmfpc.com

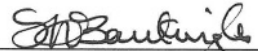
TOTAL: 8



SO ORDERED.

SIGNED this 23rd day of December, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**


Suzanne H. Bauknight
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

In re

ALLEN HOOD

Debtor

ARTHUR R. ROONEY,
JUST TENNESSEE LTD., and
ABBACAS HOLDINGS, LTD.

Plaintiffs

v.

ALLEN HOOD

Defendant

Case No. 3:17-bk-33605-SHB
Chapter 7

Adv. No. 3:18-ap-03008-SHB

ORDER

For the reasons stated in the Memorandum filed this date, constituting findings of fact and conclusions of law as required by Rule 7052 of the Federal Rules of Bankruptcy Procedure (incorporating therein Federal Rule of Civil Procedure 52), resolving the Defendant/Debtor's

Motion for Summary Judgment (“Motion”) filed on October 15, 2019 [Doc. 26], the Court directs the following:

1. Because Plaintiffs Arthur R. Rooney and Just Tennessee, Ltd. were not parties to case number 12-CV-117 in the Jefferson County Chancery Court; are not holders of the Judgment awarded through the Final Decree on Special Master Report entered by Chancellor Telford E. Forgety, Jr. on February 24, 2017; and do not hold a collectible debt against Defendant based on expiration of the statute of limitations codified by either Tennessee Code Annotated § 28-3-105 or § 28-3-109, the Motion is GRANTED to that extent. The Complaint is dismissed with respect to Arthur R. Rooney and Just Tennessee, Ltd.

2. Because a determination of dischargeability is not within the province of a state court and claim preclusion does not apply in 11 U.S.C. § 523(a)(2), (4), or (6) proceedings and the issue of fraud was not raised or litigated in the Jefferson County Chancery Court, and there is a genuine issue of material fact concerning the issue of fraud and whether the Judgment held by Abbacas against Defendant should be nondischargeable under § 523(a)(2), (4), or (6), the Motion is DENIED with respect to those issues.

###